IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.5403 OF 2005.
IN
FIRST APPEAL ST.NO. 17638 OF 2003

State of Maharashtra & another. ... Applicants.
Versus.
Babulal Govind Alai & others. ... Respondents.

Shri Y.M.Nakhawa, A.G.P. for the Appellants.
Shri P.M.Joshi for Respondents Nos.1 to 4.

CORAM : ABHAY S.OKA, J.

DATED : 23rd February, 2007.

P.C.:

1. Heard the learned A.G.P. for the State and the Advocate for Respondents Nos.1 to 4.

2. The impugned Judgment and Award is in the nature of a money decree. Hence, unconditional stay cannot be granted.

3. The execution and operation of the impugned Judgment and Award will remain stayed till the final disposal of the First Appeal subject to condition of the Applicant depositing the entire amount due and payable as per the impugned Award with the Reference Court within a period of twelve weeks from today. If the deposit of entire amount is not made within stipulated time, the interim stay granted will stand forthwith vacated without further reference to the Court.

4. If the amount as aforesaid is deposited, the Claimants will be permitted to withdraw the said amount subject to furnishing adequate security for the said amount to the satisfaction of the Reference court. The Reference Court will hear the Applicant before accepting the security.

5. Civil Application is disposed of in above terms.

Judge.